



---

## ARTS AND CULTURE COMMISSION

Penelope O'Neill, Chair  
Shawn Charnaw  
Marianne Hamilton  
Jonathan Knowles  
Colleen Wilcox

Jade Bradbury, Vice-Chair  
Mary Curtis  
Valerie Hopkins  
David Stonesifer

### TOWN OF LOS GATOS ARTS AND CULTURE COMMISSION AGENDA

**WEDNESDAY, NOVEMBER 18, 2009, 4:00 P.M.**

**208 East Main Street, Room 208  
Neighborhood Center (upstairs)  
Los Gatos, California**

#### **PARTICIPATION IN THE PUBLIC PROCESS**

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period. The time allocated to speakers may change to better facilitate the Arts and Culture Commission meeting.

The purpose of the Arts and Culture Commission meeting is to conduct the business of the community in an effective and efficient manner. This is done by following meeting guidelines set forth in State law and in the Town Code. Conduct which is considered disruptive during Arts and Culture Commission meetings includes, but is not limited to:

- Addressing the Arts and Culture Commission without first being recognized;
- Interrupting speakers, Arts and Culture Commission members, and Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the podium when directed to do so; and
- Repetitiously addressing the same subject.

For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Arts and Culture Commission meetings and treat everyone with respect and dignity.

Writings related to an item on Arts and Culture Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public review at the front desk of the Los Gatos Public Library, located at 110 E. Main Street and are also published on the on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Neighborhood Center at the front desk.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Services Department at (408) 354-6888. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting.**  
[28 CFR 35, 102-35.104]

1. **ROLL CALL**
2. **APPROVAL OF OCTOBER 14, 2009 MINUTES** (Attachment 1)
3. **COMMUNICATIONS**  
Verbal (Three minute time limit per speaker for subjects not agendized)  
  
Written
4. **STAFF REPORTS**
  - 4.1 Council Adopted Resolution Regarding Public Art (Attachment 2)  
(Information Only)
  - 4.2 Council Approval of Agreement with LGM&A  
for Management of Music in the Park (Information Only)
  - 4.3 Recommend to Council that it Accept the Artwork (Attachment 3)  
Entitled, "Cruiser"
5. **OTHER BUSINESS**
  - 5.1 Art in the Council Chambers
6. **NETWORKING THE ARTS** (Commissioner Reports)
7. **ADJOURNMENT**

Attachments

1. October 14, 2009 Minutes
2. Resolution Regarding Public Art
3. Recommend to Council that it Accept the Artwork Entitled, "Cruiser"

ATTENDANCE: Please contact the Commission Chair or the Community Services Department at (408) 354-6888 if you are unable to attend. The current Town Attendance Resolution states that any commissioner who is absent from four regular meetings held in a twelve month period, shall surrender his or her office on the Commission.

**RESOLUTION 2009-103**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING PUBLIC ART SELECTION POLICIES AND PROCEDURES  
AND RESCINDING RESOLUTION 1992-78**

**WHEREAS**, the Town of Los Gatos has a Public Art Selection Program allowing it to commission art work and to accept art work on loan and as gifts; and

**WHEREAS**, the Town Council of the Town of Los Gatos wishes to revise its policies and procedures which govern the Public Art Selection Program.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of Los Gatos Public Art Selection Policy and Procedure (Exhibit A) is hereby adopted; and
2. Resolution 1992-78 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

**COUNCIL MEMBERS:**

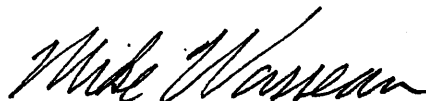
AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## **TOWN OF LOS GATOS PUBLIC ART SELECTION POLICY AND PROCEDURE**

### **I. PURPOSE**

The purpose of this policy is to provide a process through which the Town of Los Gatos (hereinafter Town) can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission (hereinafter Commission) for purchasing existing art work and for commissioning artists to create new art work for the Town.

### **II. SCOPE**

This policy applies to the installation of all art work loaned, gifted, purchased, or commissioned by the Town for public display. A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project.

The Town Manager is hereby authorized to accept loans and/or gifts to the Town of art work that is valued at or below five thousand dollars (\$5,000), and that, if a loan, will be loaned to the Town for a period of five (5) years or less.

- A. All purchases and commissions by the Town of art work must be considered through the procedures outlined below in Section IV, Procedure.
- B. All loans and/or gifts to the Town of art work that is valued at more than five thousand dollars (\$5,000) and/or that, if a loan, will be loaned to the Town for a period of more than five (5) years, must be considered through the procedures outlined below in Section IV, Procedure.

### **III. Policy**

The Town plans for public installation of art work. It is the objective of the Public Art Program to provide the community with the opportunity to enjoy access to a variety of art work and to work with a variety of artists over time. Local Los Gatos artists shall receive preferred consideration under the Public Art Program. Artists and art work from other geographic regions shall also be considered for inclusion.

### **IV. Procedure**

- A. Art work which is to be considered for public installation shall be first reviewed by the Public Art Subcommittee (hereinafter Subcommittee), a subcommittee of the Commission. The Subcommittee shall meet only on an as-needed basis in order to consider art work under the scope of this Public Art Policy. The Subcommittee shall develop a written recommendation to the Commission. The recommendation shall include one or more proposed locations for placement of the proposed art work.
  - 1. Should the Subcommittee find that the proposed installation might have an impact on a Town park, the Subcommittee shall solicit a written recommendation from the Town of Los Gatos Parks Commission, which shall be included in the Subcommittee's recommendation to the Commission.

- B. The Commission shall consider the written recommendation of the Subcommittee at a public meeting. If the Commission finds that the proposed installation would have an impact on an identifiable section of the Los Gatos community, the Commission may also hold a community meeting. The Commission shall develop a written recommendation to the Town Council.
- C. The Town Council shall consider the written recommendation of the Commission at a public meeting. The Town Council shall make the final decision regarding a proposed public installation of art work, including its location.
- D. This procedure shall also be followed for consideration of renewal or non-renewal of loaned art work, and of the proposed deaccession of art work.

V. **Criteria and Conditions for Selection**

- A. The Town shall make no promises to exhibit art work permanently or to maintain art work as the property of the Town in perpetuity.
- B. The Town shall maintain a responsible collection, maintenance, and deaccession policy and procedure for art works which are accepted as part of the Town's Public Art Program.
- C. No acquisition shall be accepted without written permission and approval from the Town Council.
- D. Acceptance shall result in a contract between the donor or artist and the Town. (A contract for art work which is loaned will include a clearly defined period of time, with the lender retaining title to the art work.)
- E. The following shall be criteria for determining whether an art work is acceptable:
  - 1. **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
  - 2. **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
  - 3. **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
  - 4. **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
  - 5. **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
  - 6. **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
  - 7. **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
  - 8. **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.) **Public Comment:** The input of the community shall be solicited by the Subcommittee, Commission, and Town Council.

**VI. CRITERIA FOR CONSIDERATION FOR ART WORK PLACEMENT**

Prior to placement of an art work, the following factors shall be considered:

- A. Visibility
- B. Lighting
- C. Public Safety
- D. Traffic Patterns: interior, exterior, foot, and auto
- E. Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
- F. Future development plans for the area
- G. Impact on the community or neighborhood in the proposed vicinity




# MEMORANDUM

## Community Services Department

---

TO: Arts Commission

FROM: Monica Renn, Volunteer Coordinator 

SUBJECT: Recommend to Council that it Accept the Artwork Entitled, "Cruiser"

DATE: November 12, 2009

### Recommendation

Recommend to Council that it accept the artwork entitled, "Cruiser," in accordance with the Town's Public Art Selection Policy and Procedures.

### Background

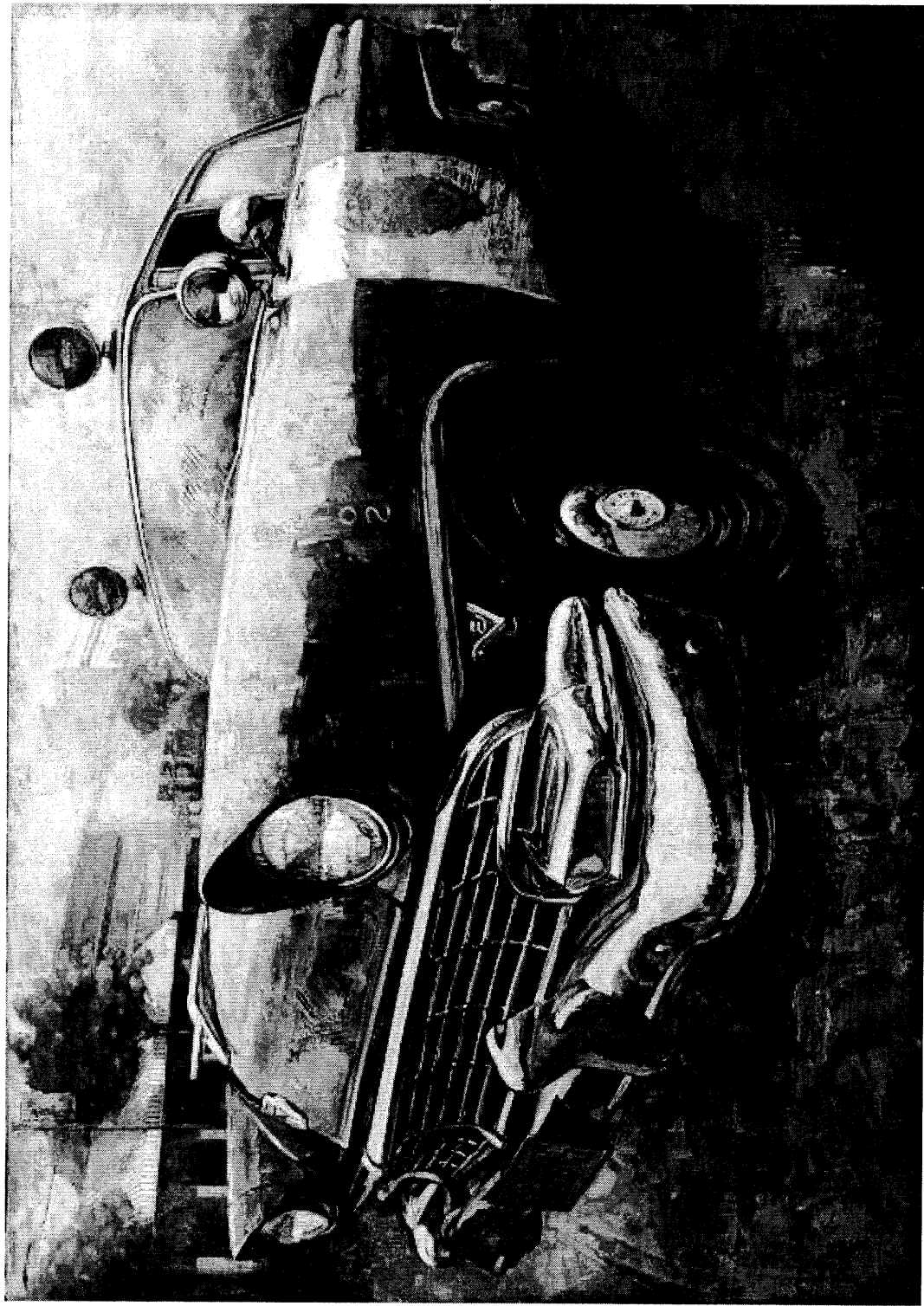
"Cruiser," a 48 inch by 68 inch oil on canvas painting by local artist Gordon Smedt was donated to the Los Gatos Police Foundation for auction at their Saturday, September 20, 2009 fundraising event, "A Taste of Los Gatos." The piece was purchased at the auction by two community members, Jennifer Krach and Catherine Fitzsimmons, who wish to gift the piece of art to the Town. See image of "Cruiser," attached.

### Discussion

All art being gifted to the Town with a value in excess of \$5,000 must go through the Public Art Selection and Procedure process and be accepted by both the Town Arts Commission and Town Council. "Cruiser" is valued at \$13,000, the price it was purchased for at auction. The current owners would like to gift the piece to the Town to be displayed in the Police Operations Building located at 15900 Los Gatos Blvd. The piece will be displayed within the building near the entrance. See attached photo of proposed display location.

The criteria for Public Art outlined in the Public Art Selection Policy and Procedures have been considered and met including aesthetics, quality, style, permanence, public liability, diversity, technical feasibility and duplication.

The Arts Commission is asked to comment if so they choose, then recommend the piece to Town Council for acceptance.



Cruiser, by Gordon Smedt

48" x 68"

Oil on Canvas



These images depict the location,  
inside the Police Operations  
Building near the main entrance,  
where "Cruiser" will be hung upon  
acceptance by Town Council.

